

REMARKS / ARGUMENTS

A. Decision on Petition dated July 15, 2005

As suggested by the Office of Petitions in its Decision mailed July 15, 2004 on the Petition filed by Applicants on June 7, 2004, the specification has been amended herein to better clarify that it is priority application, PCT International application PCT/US02/21339 filed July 5, 2002 (of which this application is a continuation), which claims priority to U.S. provisional application Ser. Nos. 60/304,296, filed July 9, 2001, and 60/325,292, filed September 27, 2001. No new matter has been added by way of this amendment.

Also as suggested by the Office of Petitions, a Renewed Petition under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6) regarding (1) an Unintentionally Delayed Priority Claim, and (2) Correction of Filing Receipt are filed herewith, along with provisions for the required fee.

B. Restriction to Groups I-II

The Examiner has restricted the claims to one of two groups:

Group I	Claims 1-23	Multiplexed assay for monitoring gene transcription.
Group II	Claims 24-31	Probe composition.

Applicants elect Group I for prosecution without traverse. However, Applicants reserve the right to prosecute the claims to non-elected inventions in future continuation or divisional applications.

C. Conclusion

A Petition for a One (1) Month Extension of Time under 37 C.F.R. § 1.136(a) is filed concurrently herewith, which extends the response period from June 11, 2005 to July 11, 2005. The Petition further authorizes the PTO to charge the one month extension fee of \$60 to our Deposit Account No. 50-3013, which reflects Applicant's Small Entity Status. Applicants believe no other fees are due in connection with this response. However, if there are any other fees due, please charge them to Deposit Account 50-3013. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above or in the Petition filed concurrently herewith, such an extension is requested and the fee should be charged to

Response dated July 11, 2005
Application No. 10/740,079
Page 4 of 4

our Deposit Account. Also, please charge any fees underpaid or credit any fees overpaid to the same Deposit Account.

Respectfully submitted,

Nikolaos C. George

Date: July 11, 2005

By: Tamera M. Pertmer

Tamera M. Pertmer, Ph.D. (Reg. No. 47,856)
JONES DAY

12750 High Bluff Drive, Suite 300
San Diego, CA 92130
(858) 314-1181

For: Nikolaos C. George, Ph.D. (Reg. No. 39,201)
JONES DAY
222 East 41st Street
New York, NY 10017-6702
(212) 326-3939